



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

## Senate Transportation Committee Approves Legislation Requiring Mandatory Jail Time for Repeat Dwi Offenders

CHARLES J. FUSCHILLO JR. April 29, 2013

| ISSUE: **DRUNK DRIVING**

Senator Charles J. Fuschillo, Jr. (R-Merrick) today announced that the New York State Senate's Transportation Committee has approved legislation he sponsors to require mandatory jail sentences for repeat DWI offenders.

"Drunk driving is a choice, and choices have consequences. The consequence for choosing to repeatedly drive drunk should be that you go to jail, period. Mandatory jail sentences would create a stronger deterrent which would make DWI offenders think twice before getting behind the wheel drunk again and give law enforcement stronger tools to get repeat offenders off the road," said Senator Fuschillo, Chairman of the Senate's Transportation Committee.

"Repeat drunk drivers are capable of incredible violence and mandatory incarceration is the only way to guarantee their removal from our roadways," said Nassau County District Attorney Kathleen Rice. "This legislation creates a powerful deterrent against drunk driving and properly holds accountable those who repeatedly endanger innocent motorists. New York State continues to be a national leader in the fight against drunk driving and I applaud the Senate Transportation Committee for today's vote."

Current law does not require repeat DWI offenders to spend any time in jail. Right now, repeat DWI offenders face class E or D felony charges punishable by up to four or seven years in jail and/or a fine between \$1,000-\$5,000 or \$2,000-\$10,000. However, judges have the discretion to sentence these offenders to only a fine or a fine and community service under the law.

Senator Fuschillo's legislation (S750) would require drunk drivers with multiple DWI convictions to serve a jail sentence. Under the proposed law:

- Drunk drivers convicted of two DWI crimes within ten years would be guilty of a Class E felony, face up to four years in jail and/or a fine between \$1,000-\$5,000, and receive a mandatory minimum jail sentence of 30 days.
- Drunk drivers with three or more DWI convictions within ten years would be guilty of a class D felony, face up to seven years in jail and/or a fine between \$2,000-\$10,000, and receive a mandatory minimum 90 day jail sentence.
- Drunk drivers convicted of two aggravated DWI crimes (.18 BAC or higher or DWI with a child in the car) within ten years would be guilty of a Class E felony, face up to four years in jail and/or a fine between \$1,000-\$5,000, and receive a mandatory minimum jail sentence of 180 days.
- Drunk drivers convicted of three or more aggravated DWI crimes (.18 BAC or higher or DWI with a child in the car) within ten years would be guilty of a class D felony, face up to seven years in jail and/or a fine between \$2,000-\$10,000, and receive a mandatory minimum 1 year jail sentence.

These sentences would be in addition to any other applicable penalties.

According to a June 2011 study conducted by the Institute for Traffic Safety Management and Research (ITSMR), which is part of SUNY Albany's Rockefeller College of Public Affairs and Policy, approximately 21 percent of all drunk drivers in New York State convicted in 2009 were repeat offenders. However, only 10 percent of recidivist drivers were sentenced to jail time.

"MADD is dedicated to eliminating drunk driving and the tragedies associated with this 100 percent preventable crime. Our Campaign to Eliminate Drunk Driving has been successful on passage of DWI legislation across the country to secure the safety of the public," said National MADD President, Jan Withers. "There is still more to be done including with repeat offenders. Tougher penalties and greater enforcement in New York will create a strong message and support efforts to reduce recidivism," continued Withers.